

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOPE CHUNG, et al.,  
Plaintiffs,

v.

INTELLECTSOFT GROUP  
CORPORATION, et al.,  
Defendants.

Case No. 21-cv-03074-JST

**ORDER DENYING PLAINTIFFS’  
MOTION FOR AN ORDER  
DIRECTING MEDIATION**

Re: ECF No. 103

Before the Court is Plaintiffs Hope Chung and Picture Mandarin LLC’s motion for an order directing mediation. ECF No. 103. The Court will deny the motion.

Plaintiffs’ motion requested that the Court “direct the parties to mediation” because (1) the contracts under which the claims arise contain a “provision requiring the parties to attempt to resolve any disputes by mediation”; and (2) Defendants have refused Plaintiffs’ requests to mediate. ECF No. 103 at 3-4. Because Plaintiffs cited no authority for the request, and because the Court found caselaw suggesting that it lacks the authority to compel the parties to mediate, it ordered the parties to file supplemental briefs addressing the Court’s authority to grant Plaintiffs’ motion. ECF No. 118; *see Heston v. GB Cap. Holdings, LLC*, No. 16-cv-912-WQH-RBB, 2016 WL 4468254, at \*3 (S.D. Cal. Aug. 23, 2016) (“The Court concludes that there is no legal authority for an order to compel non-binding mediation.”); *Trujillo v. Gomez*, No. 14-CV-2483-BTM (BGS), 2015 WL 1757870, at \*9 (S.D. Cal. Apr. 17, 2015) (declining to compel mediation, and noting that the Eleventh Circuit “has held that the mandatory remedies of the FAA may not be invoked to compel mediation” and that “Cal. Civ. Proc. Code § 1281.2 authorizes motions to compel ‘arbitration.’ No mention is made of mediation.”).

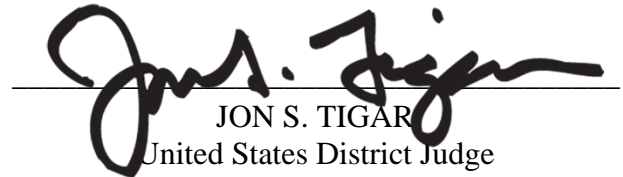
Having reviewed the parties’ initial and supplemental briefs, ECF Nos. 103, 105, 106, 125,

1 134, the Court concludes that it lacks the authority to order the parties to mediate. Plaintiffs argue  
2 that the Court has such a power under the district's Alternative Dispute Resolute ("ADR") Local  
3 Rules and request that "the Court order the mediation to be conducted under the Northern District  
4 of California Mediation program." ECF No. 125 at 2. But no provision of the ADR Local Rules  
5 grants such authority. The ADR Local Rules only require that the parties "participate in one non-  
6 binding ADR process offered by the Court (Early Neutral Evaluation, Mediation or a Settlement  
7 Conference with a Magistrate Judge)." ADR L.R. 3-2. As Plaintiffs concede, the parties have  
8 already participated in Early Neutral Evaluation. ECF No. 121.

9 "Absent authority for compelling mediation in an action brought by Plaintiffs, the Court  
10 declines to do so." *Trujillo*, 2015 WL 1757870, at \*9. The motion is denied.

11 **IT IS SO ORDERED.**

12 Dated: August 10, 2023

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14 JON S. TIGAR  
15 United States District Judge  
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